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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/783,979	02/16/2001	Gasper Hernandez III	2925-0486P	2813

30594 7590 06/19/2003

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RESTON, VA 20195

EXAMINER

ALPHONSE, FRITZ

ART UNIT	PAPER NUMBER
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2675

DATE MAILED: 06/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.  
**09/783,979**

Applicant(s)  
**Gaspar Hernandez III**

Examiner  
**Fritz Alphonse**

Art Unit  
**2675**



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on Apr 3, 2003
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other:

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999

(AIPA) do not apply to the examination of this application as the application being examined was not

(1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b).

Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Gase (U.S. Pat. No. 6,363,081).

As to claim 1, Gase teaches about a port-sharing system (20) comprising: a computing resource (22) having a port (UDP 28); a monitoring interface (24) to said computing resource (22) available via said port (28); a plurality of end user devices (30, 32) to be connected to said monitoring interface (24); and a liaison interface (contested port 34) to handle communications from said plurality of end user (30, 32) devices that are intended for said monitoring interface (24) and to

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handle communications from said monitoring interface that correspond to said communications from said end user devices (30, 32), respectively.

As to claim 2, Gase discloses a system, wherein: said port (UDP 28) is a first port: said liaison interface (contested port 34) has a second port (registered port 36); said liaison interface (34) is operable to connect to each of said plurality of end user devices (32 1-N) via said second port (36) while being connected to said computing resource (22) via said first port (UDP 28).

As to claims 3-4, Gase (figs. 1-2) show a system wherein said liaison interface (34) is operable to give each user of one of said plurality of end user devices (30, 32) the impression of being directly connected to said computing resource (22).

As to claims 5-6, Gase (figs. 1-2) show a system, wherein the monitoring system is operable to retrieve information representing one or more parameters that are indicative of the operational state of the computing resource (col. 4, lines 22-29).

As to claims 7-8, the claims have substantially the limitations of claims 1-2. Therefore, they are analyzed as previously discussed in claims 1-2 above.

As to claims 9 and 23, Gase (figs. 1-2) show a system, wherein said system includes a network (26) that provides access to said port (28) of said computing resource, and wherein said plurality of end user devices (32) is operable as a terminal on said network, and wherein payloads contained in the communications differ substantially (col.6, lines 44-46).

As to claim 10, the claim differs from claim 1 only in the following limitations “ a front input/output ( I/O) unit to communicate with said plurality of end user devices; a back I/O unit to

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connect to said port of said computing resource". However, this limitation is disclosed by Gase (see figures 1- 2).

As to claim 11, the claim has substantially the limitations of claim 2. Therefore, it is analyzed as previously discussed in claim 1 above.

As to claims 12-15, 24, the claims have substantially the limitations of claims 3-6. Therefore, they are analyzed as previously discussed in claims 4-6 above.

As to claims 16-17, method claims 16-17 correspond to apparatus claims 1-2. Therefore, they are analyzed as previously discussed in claims 1-2 above.

As to claims 18-22, 25 method claims 18-22, 25 correspond to apparatus claims 2-5. Therefore, they are analyzed as previously discussed in claims 2-5 above.

### ***Response to Arguments***

3. Applicant's arguments filed on 4/03/03 have been fully considered but they are not persuasive.

Applicants argues that the Gase patent fails to disclose that the same liason interface handles communications from the plurality of end users devices that are intended for the monitoring interface.

In that regard, the examiner does not agree with that statement. However, as shown in figure 1, it is clear that the contested port 34 represents a liason bus which handles communications from a plurality of end user (30, 32) devices that are intended for said monitoring interface (24) and to handle communications from said monitoring interface that correspond to said communications from said end user devices (30, 32), respectively, as disclosed in the application.

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***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fritz Alphonse whose telephone number is (703) 308-8534. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

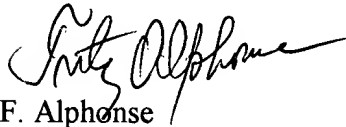
**or faxed to:**

(703) 308-9051, (for formal communications intended for entry)

**Or:** (703)308-6606 for informal or draft communications, please label

"PROPOSED" or "DRAFT"

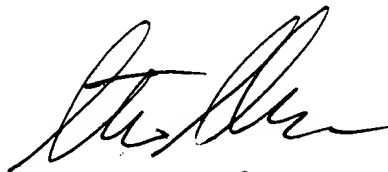
Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).



F. Alphonse

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June 14, 2003



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